

7/2/79

EASEMENT VACATION

Lot 2, Bl. 3, Schey's Parkview 3rd

MESSAGE

For FromDate 3-6-84 Time 12:05 pmCleo Lenzenof Merrill BurnettPhone 920-5605

Telephoned	<input checked="" type="checkbox"/>	Returned your call
Please call	<input checked="" type="checkbox"/>	Stopped to see you
Will call again	<input type="checkbox"/>	Wants to see you

Message Re: Easement VacationLot 2, B1K3, Schey's Parkway 3rd- Here's the file for reference -New buyer wants easement vacated
on entire lot - over

MAUN & SIMON

LAWRENCE J. HAYES*
JEROME B. SIMON
JOHN C. JOHANNESON
JAMES W. BREHL*
BRUCE G. ODLAUG
ALBERT A. WOODWARD
GARRETT E. MULROONEY*
WILLIAM J. HASSING*
JAMES A. GALLAGHER
CHARLES BANS
BARRY A. GERSICK
GEOFFREY P. JARPE*
RICHARD M. GAALSWYK
LARRY B. GUTHRIE
SETH M. COLTON
HAROLD LEVANDER, JR.

*ALSO ADMITTED IN WISCONSIN

REPLY TO: Minneapolis

MINNEAPOLIS OFFICE

2900 NORWEST CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MINNESOTA 55402-4133
TELEPHONE 612-338-1113
TELECOPIER 612-338-2271

SAINT PAUL OFFICE

2300 WORLD TRADE CENTER
30 EAST 7TH STREET
SAINT PAUL, MINNESOTA 55101-4904
TELEPHONE 612-229-2900
TELECOPIER 612-229-2800

JOHN J. BOWDEN
STEVEN E. RAU
PHILIP T. COLTON
TREVOR R. WALSTEN
RUTH SILSETH MARCOTT
MARK R. GLEEMAN
LAURA J. DAVIS
STEPHEN E. YOCH
JENNIFER A. LEW
AVIDA R. LAZO
JEANNE M. GLADER

OF COUNSEL
JOSEPH M. NEMO, JR.
GORDON J. APPLE*

RETIRED:
MERLYN C. GREEN

JOSEPH A. MAUN
1909-1991

July 13, 1992

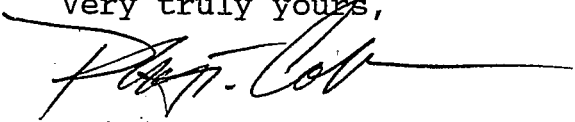
Ms. Marcella M. Daehn
City Clerk
City Hall
4801 West 50th Street
Edina, Minnesota 55424-1394

Re: 7205 Schey Drive

Dear Ms. Daehn:

In response to your request, the Notice of Completion of Proceedings for vacation of an easement on 7205 Schey Drive was recorded with the Hennepin County Recorder's office on July 9, 1992 as Document No. 5938802. I do not have a copy of the recorded document, but will provide a copy if you would like to have that in your file.

Very truly yours,


Philip T. Colton

PTC:mso

7/13/92, PTC, 13706_1M

Thanks for your help.



City of Edina

July 2, 1992

Mr. Philip T. Colton
Maun & Simon
2900 Norwest Center
90 South Seventh Street
Minneapolis MN 55402-4133

Re: 7205 Schey Drive

Dear Mr. Colton:

In response to your most recent letter dated July 1, 1992, I am enclosing a certified copy of the Edina Council Minutes of July 2, 1979, relating to a public hearing for vacation of an easement for storm water drainage purposes on the above referenced property.

Also enclosed is a Notice of Completion of Proceedings for the easement vacation. Because the Notice was never placed of record, it is my understand that you will have the document entered into the transfer record of the County Auditor and filed with the County Recorder. After the document has been recorded, please send me the recording data to complete the City's file on this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Marcella M. Daehn".

Marcella M. Daehn
City Clerk

enclosures

MAUN & SIMON

LAWRENCE J. HAYES*
JEROME B. SIMON
JOHN C. JOHANNESON
JAMES W. BREHL*
BRUCE G. ODLAUG
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OF COUNSEL
JOSEPH M. NEMO, JR.
GORDON J. APPLE*

RETIRED:
MERLYN C. GREEN

JOSEPH A. MAUN
1909-1991

July 1, 1992

Ms. Marcella M. Daehn
City Clerk
CITY OF EDINA
4801 West 50th Street
Edina, Minnesota 55424

TOTAL 1.50
07/02/92

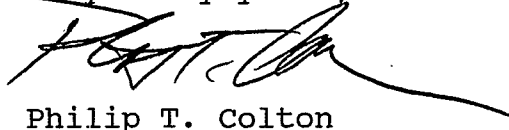
Re: 7205 Schey Drive, Edina, Minnesota

Dear Ms. Daehn:

Thank you for your letter dated June 29, 1992. We were not aware that Mr. Golub had attempted to have the remainder of the easement vacated and we are interested only in recording the 1979 vacation of the rear half of our lot. Accordingly, we would appreciate it if you could send us a certified copy of those documents so that they may be recorded. I have enclosed my check in the amount of \$1.50 to cover the cost of the certified copies.

Please do not hesitate to contact me, if you have any questions or comments.

Very truly yours,



Philip T. Colton

PTC:kao
Enclosure

7/01/92,PTC,13424_1M

value at least equal to the proposed assessment. No objections being heard, Councilman Courtney offered the following resolution and moved its adoption:

RESOLUTION ORDERING IMPROVEMENTS
BA-239 AND S-26

BE IT RESOLVED by the Council of the City of Edina, Minnesota, that this Council heretofore caused notice of hearing to be duly mailed to owners of each parcel within the affected area on the following proposed improvements:

1. CONSTRUCTION OF PERMANENT STREET SURFACING WITH CONCRETE CURB AND GUTTER AND SIDEWALK IMPROVEMENT NO. P-BA-239 IN THE FOLLOWING:
York Avenue from W. 74th Street to W. 76th Street
North side of W. 76th Street from Parklawn to Xerxes Avenue
Sidewalk on East side of York Avenue and North side of W. 76th Street from York Avenue to Xerxes Avenue
2. CONSTRUCTION OF SIDEWALK IMPROVEMENT NO. P-S-26
West side of York Avenue from W. 74th Street to W. 76th Street
W. 76th Street from York Avenue West to the West line of Ebenezer Society property

and at the hearing held at the time and place specified in said notice, the Council has duly considered the views of all persons interested, and being fully advised of the pertinent facts, does hereby determine to proceed with the construction of said improvements, including all proceedings which may be necessary in eminent domain for the acquisition of necessary easements and rights for construction and maintenance of such improvements; that said improvements are hereby designated and shall be referred to in all subsequent proceedings as:

- | | |
|-------------|--|
| No. 1 Above | PERMANENT STREET SURFACING WITH CONCRETE CURB AND GUTTER AND SIDEWALK IMPROVEMENT NO. BA-239 |
| No. 2 Above | SIDEWALK IMPROVEMENT NO. S-26 |

and the cost of the major portion of Permanent Street Surfacing with Concrete Curb and Gutter and Sidewalk Improvement No. BA-239 shall be paid from Tax-Increment Financing and a portion of the project to be specially assessed therefore shall include Lot 1, Block 1 and Lot A, Ebenezer Society 1st Addition; and Lot 5, Lyndale Builders Association; and the cost of Sidewalk Improvement No. S-26 shall be paid from Municipal State Aid Funds.

Motion for adoption of the resolution was seconded by Councilwoman Schmidt.

Rollcall:

Ayes: Courtney, Richards, Schmidt, Van Valkenburg

Nays: None

Resolution adopted.

Councilman Courtney then offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED by the Edina City Council that the City Manager is hereby authorized to enter into an Agreement with the Edina Housing and Redevelopment Authority (HRA), by which the HRA requests that the City undertake and perform, and the City agrees to undertake and perform, certain work in the vicinity of Yorkdale Townhomes of Edina, Ltd., pursuant to a Purchase and Sale Agreement and Redevelopment Contract dated June 26, 1978, between the HRA and Yorkdale Townhomes of Edina, Ltd., including the construction of sidewalks, street lighting, sodding, construction of median cut, construction of turning lane improvements and installation of permanent street surfacing and curb on York Avenue, and

BE IT FURTHER RESOLVED, that said Agreement shall also provide that the HRA upon completion of said work shall pay to the City the cost thereof, together with any additional costs usually added to work done by the City for engineering and clerical services, such total cost to be paid by the HRA upon demand made by the City.

Motion for adoption of the resolution was seconded by Councilwoman Schmidt.

Rollcall:

Ayes: Courtney, Richards, Schmidt, Van Valkenburg

Nays: None

Resolution adopted.

EASEMENT VACATION, LOT 2, BLOCK 3, SCHEY'S PARK VIEW 3RD ADDITION CONTINUED TO JUNE 18, 1979. Mr. Hoffman recalled that the Scheyes had given the City an easement over Lot 2, Block 3, Schey's Park View 3rd Addition in 1971, for drainage and storage of water from the cul-de-sac on Tralee Drive. Subsequently, Mr. Gerard Gaynor has purchased this lot and is now petitioning the City Council to vacate that portion of the easement located over the easterly portion of the lot, thus creating a buildable site. Mr. Hoffman stated that staff recommends vacating the portion of the easement as petitioned, but retaining the easement on the low portion of the lot for drainage and storage of water, including the storm sewer area and subject to Northern States Power retaining their easement along the north lot line. In response to question of Mayor Van Valkenburg, Mr. Hoffman stated that the normal procedure for giving notice had been followed and that Mr. Gaynor had apparently contacted the owner of Lot 1, but had been unable to contact the owner of Lot 3. Mayor Van Valkenburg stated that he felt

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notice should be sent to all owners of Schey's Park View 3rd Addition because of the restrictions and covenants in existence for the subdivision. Mr. Richards raised the question of whether there had been a cost to the City at the time the easement was obtained and if the City should now be compensated for vacating part of the easement at this time. Councilman Courtney then moved to continue the hearing on the easement vacation of Lot 2, Block 3, Schey's Park View 3rd Addition to June 18, 1979, so that notice can be sent to everyone in Schey's Park View 3rd Addition and requesting staff to come back with information as to any value to the City for this easement vacation. Motion was seconded by Councilman Richards.

Ayes: Courtney, Richards, Schmidt, Van Valkenburg

Nays: None

Motion carried.

HEARING DATE SET FOR VARIOUS PLANNING MATTERS. As recommended by Mr. Hughes, Councilman Richards' motion setting hearing date of June 18, 1979, for the following Planning matters was seconded by Councilwoman Schmidt: 1) Administrative Appeal of Board of Appeals & Adjustments Decision - Rauenhorst Corporation Variances; 2) Plan Amendment - Radisson South; 3) Metro Consultants - R-1 Single Family District to PRD-4 Planned Residential District; 4) Warden Acres, Peterson Replat - R-1 Single Family District to R-2 Two Family District.

Ayes: Courtney, Richards, Schmidt, Van Valkenburg

Nays: None

Motion carried.

PAINTING OF BRAEMAR ARENA CEILING APPROVED. Mr. Rosland presented tabulations of quotes for painting of Braemar Arena ceiling with aluminum paint showing Swanson and Youngdale Inc. at \$2,250.00 and Perferred Painting and Decorating at \$2,275.00. Councilman Courtney's motion for award to recommended low quote, Swanson and Youngdale Inc. at \$2,250.00 was seconded by Councilman Richards.

Ayes: Courtney, Richards, Schmidt, Van Valkenburg

Nays: None

Motion carried.

PAINTING OF CURB HOUSE NUMBERS DISCUSSED. Mr. Rosland recalled that at the meeting of March 19, 1979, Council had authorized the City Manager to grant permission to Steven Rice to paint house numbers on curbs in the City. He advised that both Mayor Van Valkenburg and he had received several phone calls from residents objecting to the numbers, together with letters from Mr. William Horn and Mr. Robert De brey who requested that numbers not be painted at their homes. Mr. De brey questioned the aesthetic effect, whether the numbers really are functional and objected to the procedure in which the White Rabbit Company would paint first and then contact residents to collect the fee, placing the burden of contacting the company on the residents if the number was not wanted. Mayor Van Valkenburg asked Mr. Rice, who was present, if it would be possible to get permission from the resident before painting the numbers. Mr. Rice responded that this would be difficult to do because many people would not be home and that he had found through past experience that favorable response would be about the same whether or not people had been contacted in advance. Mr. Rosland advised that staff had polled a number of residents in the Country Club area and that some were apathetic, others had no opinion one way or the other, some thought the numbers were of benefit and others objected to them. Mr. Rice suggested he could re-word the leaflet which is distributed to homes to clarify the fact that no one is obligated to pay. Councilman Richards then moved to allow the number painting on curbs to continue with the understanding that Mr. Rice would clarify the wording of the notice so residents would understand they were not obligated to pay for the service, and that Mr. Rosland would respond to Mr. De brey. Motion was seconded by Councilwoman Schmidt.

Ayes: Courtney, Richards, Schmidt, Van Valkenburg

Nays: None

Motion carried.

DANGEROUS WEAPONS ORDINANCE DISCUSSED. Mr. Rosland referred to a letter received from Darcy Szarzynski of G. D. Anderson & Associates, 7701 Normandale Road, requesting an appearance before Council to discuss the dangerous weapons ordinance, specifically use of bow and arrow, and that he had requested Chief Swanson to review the ordinance. Chief Swanson advised that neither the City ordinance or State Statutes address the subject of bow and arrow per se but speak of dangerous weapons and that bow and arrow could be catagorized as such if it is being used haphazardly or recklessly. He stated than an officer responding to a call regarding use of bow and arrow would exercise discretion and if it is being used

similar zoning might be requested if this zoning change is approved. Mr. Stevenson added that he has a tape containing the objections of all neighbors except those whose property abuts the property in question. Mr. C. K. Weber, 5505 Grove St., objected to the proposal as did Mr. Mark Felderman, 5515 Grove St., who also objected that he was not notified of the hearing. Mr. Hughes pointed out that the lot in question is 15,000 or 16,000 square feet of which the Easterly 50 feet lies within the N.S.P. power line easement and that, while no building could be constructed on the easement, it could be used as side or rear yard area. He added that it would reduce the size of the building that could be constructed on the lot. Mr. James Peterson, one of the proponents, contended that eight dwellings on a three acre plat is realistic and that the double bungalow would not result in any particular impact in the area and agreed to give the City a roadway easement over Lot 23. Councilman Richards suggested that five lots would be more appropriate for the plat. He then commented that, in his opinion, the R-2 lot should not be approved and moved that the matter be referred back to the Community Development and Planning Commission to address the question of fewer lots for the plat. Motion was seconded by Councilman Courtney.

Ayes: Bredesen, Courtney, Richards, Schmidt, Van Valkenburg

Nays: None

Motion carried.

Mr. Felderman then requested that an environmental impact study be made of the area. Mr. Felderman was assured that his name would be added to the mailing list.

LOT 2, BLOCK 3, SCHEY'S PARK VIEW THIRD ADDITION EASEMENT VACATION CONTINUED.

Affidavits of new Notice of Hearing were presented by Clerk, approved as to form and ordered placed on file. Mr. Hoffman recalled that the hearing on the easement vacation for Lot 2, Block 3, Schey's Park View Third Addition had been continued from May 21, 1979, so that residents in the area could be advised that vacation of the easement in question would create a new buildable lot, and that a request had been received for continuance of the hearing from Mr. Ronald Krank, 7201 Schey Drive. Councilman Courtney's motion that the hearing be continued to July 2, 1979, was then seconded by Councilman Richards.

Ayes: Bredesen, Courtney, Richards, Schmidt, Van Valkenburg

Nays: None

Motion carried.

STREET NUMBERS ON CURBS DISCUSSED. Mr. William Horn, 4511 Browndale Ave., expressed his objections to the painting of house numbers on curbs in the City and presented petitions signed by residents of Browndale and Moorland Avenues who also objected to the street numbers. He presented a tabulation which showed that 15 out of 30 residents contacted oppose any numbers, with 28 stating that no numbers should be painted without receipt of advance permission. Two residents had declined to sign the petition. Concurring with Mr. Horn in his objection to the painting of the house numbers were Messrs. Douglas Freeman, 4705 Dunberry Lane, George Wells, 4608 Edgebrook Place, Jack Ziegler, Chairman of the Western Edina Homeowners Assn., Gene Gaddis, 5112 Gorgas Ave. and Mrs. Adelle Peterson, 4412 Grimes Ave. An unidentified gentleman who said that he lived on Gorgas Ave., asked that the white block be removed from his curb. Mr. Rosland advised that he had instructed Mr. Rice, operator of the White Rabbit, to be sure to obtain approval from property owners before he did his painting. Councilman Richards said that the Council should not have to spend its time worrying about this situation and that he thought that the entire matter is out of prospective. Mr. Robert DeBray, 4502 Browndale Ave., objected to the numbers from an aesthetic standpoint. Following lengthy discussion, Councilman Courtney's motion that permission should be obtained from residents before any painting is done was seconded by Councilman Bredesen.

Ayes: Bredesen, Courtney, Schmidt, Van Valkenburg

Nays: Richards

Motion carried.

BID AWARDED FOR PUBLIC IMPROVEMENTS. Mr. Rosland presented tabulation of bids for Sanitary Sewer Improvement No. SS-342A, Watermain Improvement No. WM-326A, Storm Sewer Improvement No. ST.S-161, Concrete Sidewalk and Concrete Replacement Improvement Nos. S-23, S-24 and Concrete Replacement #79-3, Permanent Street Surfacing with Concrete Curb and Gutter Improvement No. BA-239 and Parking Improvement No. P-12. Tabulation showed G.L. Contracting, Inc. low bidder for Proposal A (SS-342A, WM-326A and St.S-161) at \$345,099.25, with Q.R.S. Construction bidding \$345,764.00. Tabulation for Proposal B (Concrete Sidewalk and Concrete Replacement No. S-23, S-24 and Concrete Replacement 79-3) showed Victor Carlson, the only bidder at \$288,150.80. Tabulation for Proposal C (BA-239 and P-12) showed Bury & Carlson, Inc., low bidder at \$260,255.64 and Hardrives, Inc., \$315,171.85. Engineer's estimates had been \$357,747.50 for Proposal A,

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MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL HELD AT CITY HALL
JULY 2, 1979

Answering rollcall were members Bredesen, Schmidt and Mayor Van Valkenburg.

MINUTES of May 7 and June 4, 1979, were approved as submitted by motion of Councilwoman Schmidt, seconded by Councilman Bredesen.

Ayes: Bredesen, Schmidt, Van Valkenburg

Nays: None

Motion carried.

RADISSON SOUTH REQUEST FOR PC-2 PLANNED COMMERCIAL DISTRICT PLAN AMENDMENT

APPROVED. Mr. Hughes recalled that the request of Radisson South to amend the PC-2 Planned Commercial Plan to permit the hotel to construct a five story addition to the existing two story shopping mall on the Edina side of the complex to allow a three story height variance had been continued from the Council Meeting of June 18, 1979, so that alternate plans for the parking lot could be studied. He advised that the proposal of Radisson South to restripe the existing lot would result in a less functional lot which would not be to everyone's best interest. Mr. Hughes recommended that the City and Radisson South enter into a Proof of Parking Agreement which has been used in the past with other office and commercial buildings in the City whereby the Radisson would commit to construct a parking ramp on the site or some other alternate means to provide additional parking. He clarified that, in this way, the Radisson would have an opportunity to consider other means to solve the parking problem. Mr. David Constable of Radisson South said that the final decision as to whether to sign the Proof of Parking Agreement would be up to their Finance Department. Mayor Van Valkenburg emphasized that the City would determine the need for additional spaces. Councilman Bredesen's motion for approval of the PC-2 Planned Commercial District Plan Amendment, subject to receipt of the Proof of Parking Agreement, was then seconded by Councilwoman Schmidt.

Rollcall:

Ayes: Bredesen, Schmidt, Van Valkenburg

Nays: None

Motion carried.

HEARING DATES SET FOR VARIOUS PLANNING MATTERS. As recommended by Mr. Hughes, Councilwoman Schmidt's motion was seconded by Councilman Bredesen, setting hearing date of July 16, 1979, for the following planning matters:

- 1) Fabri-Tek - Release of Deed Restrictions - R.L.S. 1145
- 2) Braemar Associates - R-1 Residential District to O-1 Office District (Generally located North of W. 78th St. and W. of Cahill Road)
- 3) The Habitat - Preliminary Plat Approval and R-1 Residential District to R-2 Residential District - (Generally located North of Vernon Ave. and West of Lincoln Drive)
- 4) Don Berg Construction Co. - Preliminary Plat Approval and R-1 Residential Family District to PRD-2 Planned Residential District (Generally located North of the Crosstown Highway and West of the MN&S Railroad tracks)
- 5) Fairchild's Prospect Hills - Preliminary Plat Approval (Generally located South of W. 70th Street and West of Antrim Road)

LOT 2, BLOCK 3, SCHEY'S PARK VIEW THIRD ADDITION EASEMENT VACATION APPROVED.

Mr. Hughes recalled that the hearing for vacation of a drainage easement over a part of Lot 2, Block 3, Schey's Park View Third Addition had been continued from June 18, 1979, as requested by Mr. Ronald Krank, owner of the property immediately North of the property in question who had been concerned with the effect of the easement vacation on his property. Mr. Krank was assured that by Mr. Robert Obermeyer that the vacation would have no adversary effect on adjacent property. Mr. Krank was also assured that the City would approve the grading of the driveway of the proposed dwelling and also approve any type of grading change that might take place on the portion of the easement which is not being vacated. Council was reminded that, at the meeting of June 4, 1979, Mr. Hoffman had recommended the vacation of the easement as petitioned but also that the easement on the low portion of the lot be retained for drainage and water storage, including the storm sewer area, and subject to retention of the Northern States Power easement along the North lot line. No further objections being heard, Councilman Bredesen offered the following resolution and moved its adoption, with the condition that the Building Department check the elevations of the driveway and any other possible grading changes that might be made on the portion of the easement being retained by the City:

RESOLUTION VACATING EASEMENT FOR STORM WATER DRAINAGE PURPOSES

WHEREAS, a resolution of the City Council, adopted the 7th day of May, 1979, fixed a date for a public hearing on a proposed vacation of easement for storm

water drainage purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 18th day of June and the 2nd day of July, 1979, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said easement vacation be made; and

WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same, or to enter upon such easement area thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described portion of the storm water drainage easement be and is hereby vacated effective as of July 2, 1979:

That part of Lot 2, Block 3, Schey's Parkview 3rd Addition, lying Easterly and Southeasterly of the following described line: Commencing at the Northeast corner of said Lot 2, thence West along the North line of said Lot 2 a distance of 120.0 feet to the actual point of beginning of the line to be described; thence Southerly parallel with the East line of said Lot 2, a distance of 30.0 feet; thence Southwesterly to a point on the South line of said Lot 2, a distance of 200.0 feet West of the Southeast corner of said Lot 2, and there terminating;

Provided however, that after due consideration, the Council has determined and hereby specifies that the foregoing vacation shall not affect and there is hereby continued, reserved and retained the following existing easement and authority in, on, and under the above vacated area:

The authority of Northern States Power Company to enter upon the above vacated area to maintain, repair, replace, remove, or otherwise attend to, all of the poles, pipes, mains and lines for electric power now in, on or under the above vacated area,

and that the Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the Register of Deeds, in accordance with Minnesota Statutes, Section 412.851.

Motion for adoption of the resolution was seconded by Councilwoman Schmidt.

Rollcall:

Ayes: Bredesen, Schmidt, Van Valkenburg

Nays: None

Resolution adopted.

REPLACEMENT REFRIGERATOR FOR BRAEMAR GOLF COURSE CONCESSION AREA BID AWARDED. Mr. Rosland presented tabulation of two bids received for a replacement refrigerator for Braemar Golf Course concession area (Model RT 28 BSS), showing Merit Supply low bidder at \$1,495.00, against bid of Check Refrigeration for \$1,575.00. As recommended by the City Manager, Councilwoman Schmidt's motion for award to recommended low bidder, Merit Supply Co., for \$1,495.00 was seconded by Councilman Bredesen.

Ayes: Bredesen, Schmidt, Van Valkenburg

Nays: None

Motion carried.

FIREWORKS BID AWARDED. Mr. Rosland presented tabulation of two bids for fireworks, labor and insurance for the Fourth of July celebration at Cornelia Lake Park showing both Arrowhead Fireworks Company and Northern Lighter Pyrotechnics bidding at \$2,000 each. Councilman Bredesen's motion for award to Northern Lighter Pyrotechnics was seconded by Councilwoman Schmidt in view of the fact that Northern Lighters Pyrotechnics are providing 55 additional shells.

Ayes: Bredesen, Schmidt, Van Valkenburg

Nays: None

Motion carried.

WELL NO. 2 EMERGENCY REPAIRS AWARD OF BID CONFIRMED. Councilman Bredesen's motion was seconded by Councilwoman Schmidt confirming the award of bid for emergency repairs for Well No. 2 to Layne Minnesota in the amount of \$9,295.00.

Ayes: Bredesen, Schmidt, Van Valkenburg

Nays: None

Motion carried.

LEWIS PARK CONTRACT AMENDMENT APPROVED. Mr. Rosland requested authority to add a change order to the G. L. Contracting, Inc., Contract No. ST.S-161 for grading work at Lewis Park. As recommended by Mr. Rosland, Councilman Bredesen's motion

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STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned, being the duly appointed and acting City Clerk for the City of Edina, Minnesota, do hereby certify that I have compared the attached and foregoing extract of minutes with the original minutes on file and of record in my office, and that the same is a full, true and correct transcript of the minutes of a meeting of the City Council of said City duly called and held on the date indicated as far as such minutes relate to

Public Hearing on Vacation of Easement for Storm Water Drainage Purposes -
Lot 2, Block 3, SCHEY'S PARK VIEW THIRD ADDITION.

WITNESS my hand and seal of said City this 2nd day of July,
1942.

Marilla M. Dack
City Clerk



City of Edina

NOTICE OF COMPLETION OF PROCEEDINGS ON
VACATION OF EASEMENT FOR STORM WATER DRAINAGE PURPOSES IN
THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on July 2, 1979, adopted a Resolution Vacating Easement for Storm Water Drainage Purposes, after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for storm water drainage purposes all as platted and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota:


That part of Lot 2, Block 3, Schey's Parkview 3rd Addition, lying Easterly and Southeasterly of the following described line: Commencing at the Northeast corner of said Lot 2, thence West along the North line of said Lot 2 a distance of 120.0 feet to the actual point of beginning of the line to be described; thence Southerly parallel with the East line of said Lot 2, a distance of 30.0 feet; thence Southwesterly to a point on the South line of said Lot 2, a distance of 200.0 feet West of the Southeast corner of said Lot 2, and there terminating;

Provided however, that after due consideration, the Council has determined and hereby specified that the foregoing vacation shall not affect and there is hereby continued, reserved and retained the following existing easement and authority in, on, and under the above vacated area:

The authority of Northern States Power Company to enter upon the above vacated area to maintain, repair, replace, remove, or otherwise attend to, all of the poles, pipes, mains and line for electric power now in, on or under the above vacated area.

The time of completion of proceedings and the effective date of said vacation is February 24, 1984.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA



Marcella M. Daehn
City Clerk

CARDARELLE & ASSOCIATES, INC.
6440 FLYING CLOUD DRIVE

841-3030

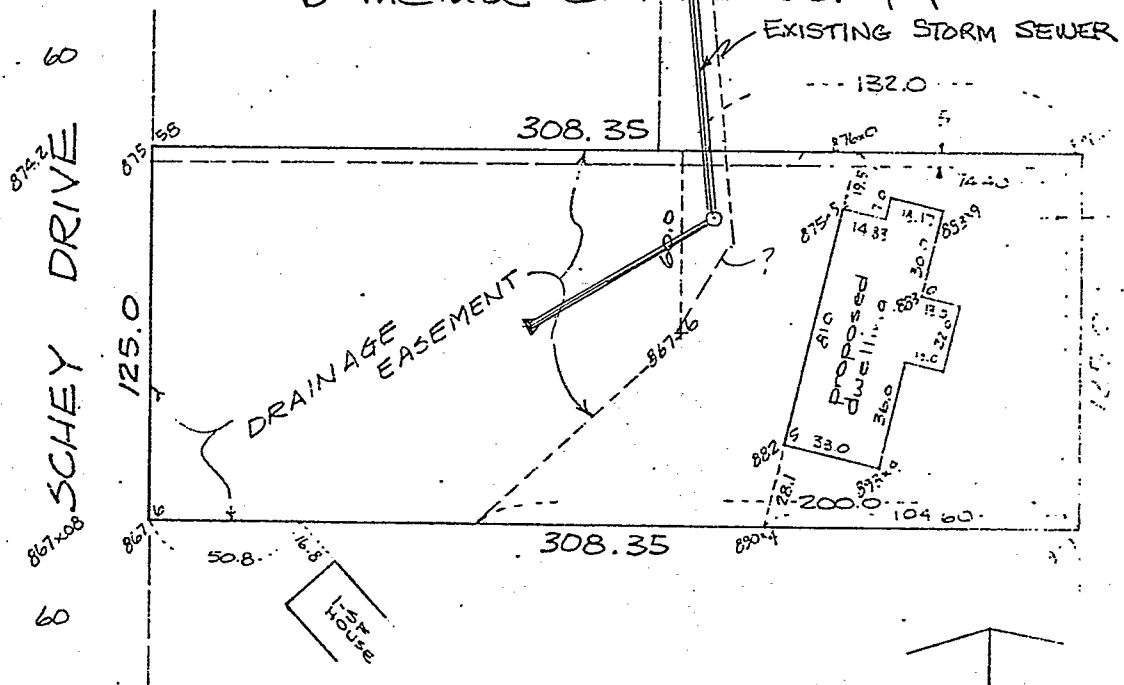
LAND SURVEYORS
EDEN PRAIRIE, MINN. 55344

CERTIFICATE OF SURVEY

Survey For: Mr. G. Gaynor

Book 321 Page 19

Frank - Easement must be described
to include storm sewer pipe & Manhole



PROPOSED ELEVATIONS
Garage floor =
Top of Foundation =
Basement floor =

NORTH
Scale

I hereby certify that this is a true and correct representation of a survey of the boundaries of Lot 2, Block 3
Schey's Parkview 3rd Add. Hennepin County, Minnesota and of the location of all buildings thereon and
visible encroachments, if any, from or on said land. Surveyed by me this 23rd day of April, 1988

CARDARELLE & ASSOCIATES, INC.
STATE REG. NO. 6508

Mr. Daehn

2-27-84

3894893 Storage of water
July 14, 1971

Abstract &

North Star Title

371-1750

400 Marquette
Suite 200

Minneapolis 55401

Jack Zachow

storm water storage and drainage

~~March~~

Letter Sent

NOTICE OF COMPLETION OF PROCEEDINGS ON
VACATION OF EASEMENT FOR STORM WATER DRAINAGE PURPOSES IN
THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on July 2, 1979, adopted a Resolution Vacating Easement for Storm Water Drainage Purposes, after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for storm water drainage purposes all as platted and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota:

That part of Lot 2, Block 3, Schey's Parkview 3rd Addition, lying Easterly and Southeasterly of the following described line: Commencing at the Northeast corner of said Lot 2, thence West along the North line of said Lot 2 a distance of 120.0 feet to the actual point of beginning of the line to be described; thence Southerly parallel with the East line of said Lot 2, a distance of 30.0 feet; thence Southwesterly to a point on the South line of said Lot 2, a distance of 200.0 feet West of the Southeast corner of said Lot 2, and there terminating;

Provided however, that after due consideration, the Council has determined and hereby specified that the foregoing vacation shall not affect and there is hereby continued, reserved and retained the following existing easement and authority in, on, and under the above vacated area:

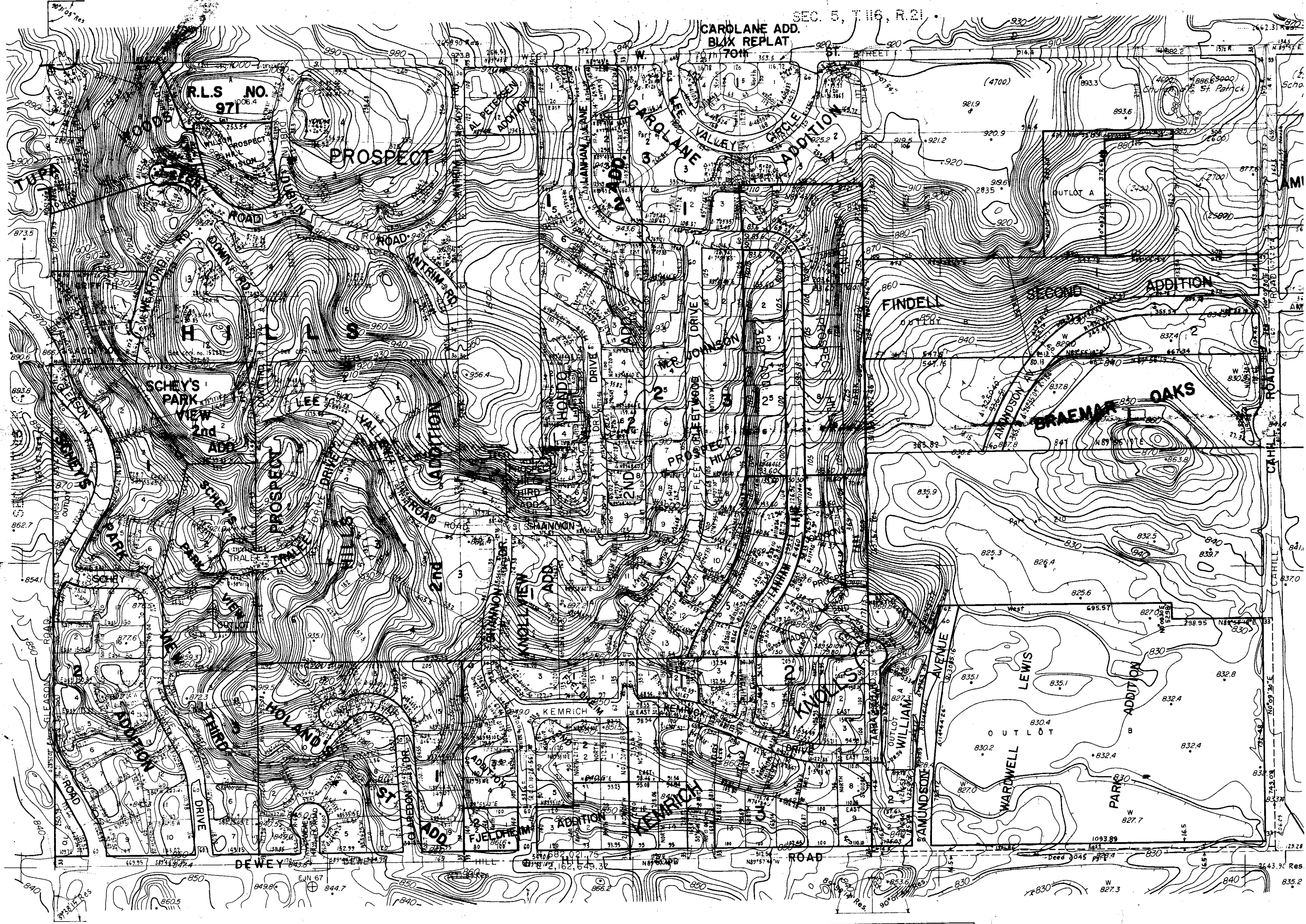
The authority of Northern States Power Company to enter upon the above vacated area to maintain, repair, replace, remove, or otherwise attend to, all of the poles, pipes, mains and line for electric power now in, on or under the above vacated area.

The time of completion of proceedings and the effective date of said vacation is February 24, 1984.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Marcella M. Daehn
City Clerk

OTTO'S



ACREAGE							
				N. E. 1/4			
				N.W.	S.W.	N.E.	S.E.
				40.26	40.12		40.18



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424
612-927-8861

February 27, 1984

Mr. Jack Zachow
North Star Abstract and Title
400 Marquette Avenue, Suite 200
Minneapolis, MN 55401

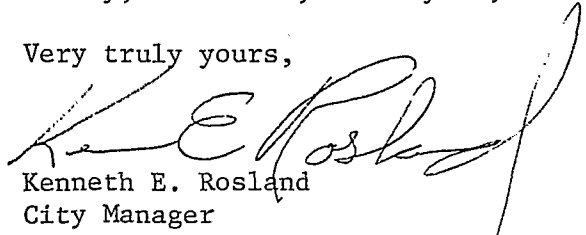
Re: Vacation of Easement for Storm Water Drainage Purposes
Lot 2, Block 3, Schey's Park View Third Addition

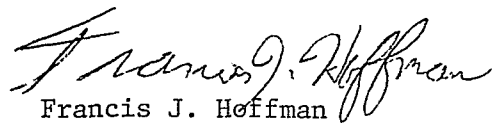
Dear Mr. Zachow:

This letter is written per your request to certify the following:

- 1) That the Vacation of Easement for Storm Water Drainage Purposes on the above referenced property, authorized by a resolution of the Edina City Council on July 2, 1979, pertains to the Easement for Storage of Water recorded as Document No. 3894893 filed in the Office of Register of Deeds in and for Hennepin County, Minnesota, on July 14, 1971.
- 2) That the attached Notice of Completion of Proceedings on Vacation of Easement for Storm Water Drainage Purposes on the above referenced property also pertains to the Easement for Storage of Water recorded as Document No. 3894893 filed in the Office of Register of Deeds in and for Hennepin County, Minnesota, on July 14, 1971.

Very truly yours,


Kenneth E. Rosland
City Manager


Francis J. Hoffman
City Engineer



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424
612-927-8861

NOTICE OF COMPLETION OF PROCEEDINGS ON
VACATION OF EASEMENT FOR STORM WATER DRAINAGE PURPOSES IN
THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on July 2, 1979, adopted a Resolution Vacating Easement for Storm Water Drainage Purposes, after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for storm water drainage purposes all as platted and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota:

That part of Lot 2, Block 3, Schey's Parkview 3rd Addition, lying Easterly and Southeasterly of the following described line: Commencing at the North-east corner of said Lot 2, thence West along the North line of said Lot 2 a distance of 120.0 feet to the actual point of beginning of the line to be described; thence Southerly parallel with the East line of said Lot 2, a distance of 30.0 feet; thence Southwesterly to a point on the South line of said Lot 2, a distance of 200.0 feet West of the Southeast corner of said Lot 2, and there terminating;

Provided however, that after due consideration, the Council has determined and hereby specified that the foregoing vacation shall not affect and there is hereby continued, reserved and retained the following existing easement and authority in, on, and under the above vacated area:

The authority of Northern States Power Company to enter upon the above vacated area to maintain, repair, replace, remove, or otherwise attend to, all of the poles, pipes, mains and line for electric power now in, on or under the above vacated area.

The time of completion of proceedings and the effective date of said vacation is February 24, 1984.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Marcella M. Daehn

Marcella M. Daehn
City Clerk



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424
612-927-8861

920-5605

February 24, 1984

Ms. Cleo Lenzen
Merrill Lynch Realty
2622 W. Lake Street
Minneapolis, MN 55416

Re: Vacation of Easement - Lot 2, Block 3, Schey's Parkview 3rd Addition

Dear Ms. Lenzen:

Per your telephone request, enclosed are two copies of Notice of Completion of Proceedings on Vacation of Easement for Storm Water Drainage Purposes regarding the above referenced property.

It is my understanding that you will proceed to have this Easement Vacation filed with the County Auditor and Register of Deeds.

Very truly yours,

Marcella M. Daehn
City Clerk

enclosures (2)



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424
612-927-8861

NOTICE OF COMPLETION OF PROCEEDINGS ON
VACATION OF EASEMENT FOR STORM WATER DRAINAGE PURPOSES IN
THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on July 2, 1979, adopted a Resolution Vacating Easement for Storm Water Drainage Purposes, after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for storm water drainage purposes all as platted and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota:

That part of Lot 2, Block 3, Schey's Parkview 3rd Addition, lying Easterly and Southeasterly of the following described line: Commencing at the Northeast corner of said Lot 2, thence West along the North line of said Lot 2 a distance of 120.0 feet to the actual point of beginning of the line to be described; thence Southerly parallel with the East line of said Lot 2, a distance of 30.0 feet; thence Southwesterly to a point on the South line of said Lot 2, a distance of 200.0 feet West of the Southeast corner of said Lot 2, and there terminating;

Provided however, that after due consideration, the Council has determined and hereby specified that the foregoing vacation shall not affect and there is hereby continued, reserved and retained the following existing easement and authority in, on, and under the above vacated area:

The authority of Northern States Power Company to enter upon the above vacated area to maintain, repair, replace, remove, or otherwise attend to, all of the poles, pipes, mains and line for electric power now in, on or under the above vacated area.

The time of completion of proceedings and the effective date of said vacation is February 24, 1984.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Marcella M. Daehn
City Clerk

SPEED LETTER®

TO Bob Bahneman

FROM Florence Hallberg

SUBJECT Grading on Lot 2, Block 3, Schey's Parkview 3rd Addition

—No. 9 & 10 FOLD

MESSAGE

DATE July 9 1979

Please let me know as soon as you have approved the grade for the driveway and the portion of the easement being retained by the City so that the Notice of Completion can be filed. (See attached minutes of July 2, 1979).

Thanks!!

SIGNED Florence

REPLY

DATE 1-23-84 19

Checked grade and culvert as req. in plan.

C. H.

Lynne R. Peterson, Pldg. Inspector

—No. 9 FOLD

—No. 10 FOLD

SIGNED

MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL HELD AT CITY HALL
JULY 2, 1979

Answering rollcall were members Bredesen, Schmidt and Mayor Van Valkenburg.

MINUTES of May 7 and June 4, 1979, were approved as submitted by motion of Councilwoman Schmidt, seconded by Councilman Bredesen.

Ayes: Bredesen, Schmidt, Van Valkenburg

Nays: None

Motion carried.

RADISSON SOUTH REQUEST FOR PC-2 PLANNED COMMERCIAL DISTRICT PLAN AMENDMENT

APPROVED. Mr. Hughes recalled that the request of Radisson South to amend the PC-2 Planned Commercial Plan to permit the hotel to construct a five story addition to the existing two story shopping mall on the Edina side of the complex to allow a three story height variance had been continued from the Council Meeting of June 18, 1979, so that alternate plans for the parking lot could be studied. He advised that the proposal of Radisson South to restripe the existing lot would result in a less functional lot which would not be to everyone's best interest. Mr. Hughes recommended that the City and Radisson South enter into a Proof of Parking Agreement which has been used in the past with other office and commercial buildings in the City whereby the Radisson would commit to construct a parking ramp on the site or some other alternate means to provide additional parking. He clarified that, in this way, the Radisson would have an opportunity to consider other means to solve the parking problem. Mr. David Constable of Radisson South said that the final decision as to whether to sign the Proof of Parking Agreement would be up to their Finance Department. Mayor Van Valkenburg emphasized that the City would determine the need for additional spaces. Councilman Bredesen's motion for approval of the PC-2 Planned Commercial District Plan Amendment, subject to receipt of the Proof of Parking Agreement, was then seconded by Councilwoman Schmidt.

Rollcall:

Ayes: Bredesen, Schmidt, Van Valkenburg

Nays: None

Motion carried.

HEARING DATES SET FOR VARIOUS PLANNING MATTERS. As recommended by Mr. Hughes, Councilwoman Schmidt's motion was seconded by Councilman Bredesen, setting hearing date of July 16, 1979, for the following planning matters:

- 1) Fabri-Tek - Release of Deed Restrictions - R.L.S. 1145
- 2) Braemar Associates - R-1 Residential District to O-1 Office District (Generally located North of W. 78th St. and W. of Cahill Road)
- 3) The Habitat - Preliminary Plat Approval and R-1 Residential District to R-2 Residential District - (Generally located North of Vernon Ave. and West of Lincoln Drive)
- 4) Don Berg Construction Co. - Preliminary Plat Approval and R-1 Residential Family District to PRD-2 Planned Residential District (Generally located North of the Crosstown Highway and West of the MN&S Railroad tracks)
- 5) Fairchild's Prospect Hills - Preliminary Plat Approval (Generally located South of W. 70th Street and West of Antrim Road)

LOT 2, BLOCK 3, SCHEY'S PARK VIEW THIRD ADDITION EASEMENT VACATION APPROVED.

Mr. Hughes recalled that the hearing for vacation of a drainage easement over a part of Lot 2, Block 3, Schey's Park View Third Addition had been continued from June 18, 1979, as requested by Mr. Ronald Krank, owner of the property immediately North of the property in question who had been concerned with the effect of the easement vacation on his property. Mr. Krank was assured that by Mr. Robert Obermeyer that the vacation would have no adversary effect on adjacent property. Mr. Krank was also assured that the City would approve the grading of the driveway of the proposed dwelling and also approve any type of grading change that might take place on the portion of the easement which is not being vacated. Council was reminded that, at the meeting of June 4, 1979, Mr. Hoffman had recommended the vacation of the easement as petitioned but also that the easement on the low portion of the lot be retained for drainage and water storage, including the storm sewer area, and subject to retention of the Northern States Power easement along the North lot line. No further objections being heard, Councilman Bredesen offered the following resolution and moved its adoption, with the condition that the Building Department check the elevations of the driveway and any other possible grading changes that might be made on the portion of the easement being retained by the City:

RESOLUTION VACATING EASEMENT FOR STORM WATER DRAINAGE PURPOSES

WHEREAS, a resolution of the City Council, adopted the 7th day of May, 1979, fixed a date for a public hearing on a proposed vacation of easement for storm

water drainage purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 18th day of June and the 2nd day of July, 1979, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said easement vacation be made; and

WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same, or to enter upon such easement area thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described portion of the storm water drainage easement be and is hereby vacated effective as of July 2, 1979:

That part of Lot 2, Block 3, Schey's Parkview 3rd Addition, lying Easterly and Southeasterly of the following described line: Commencing at the Northeast corner of said Lot 2, thence West along the North line of said Lot 2 a distance of 120.0 feet to the actual point of beginning of the line to be described; thence Southerly parallel with the East line of said Lot 2, a distance of 30.0 feet; thence Southwesterly to a point on the South line of said Lot 2, a distance of 200.0 feet West of the Southeast corner of said Lot 2, and there terminating;

Provided however, that after due consideration, the Council has determined and hereby specifies that the foregoing vacation shall not affect and there is hereby continued, reserved and retained the following existing easement and authority in, on, and under the above vacated area:

The authority of Northern States Power Company to enter upon the above vacated area to maintain, repair, replace, remove, or otherwise attend to, all of the poles, pipes, mains and lines for electric power now in, on or under the above vacated area,

and that the Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the Register of Deeds, in accordance with Minnesota Statutes, Section 412.851.

Motion for adoption of the resolution was seconded by Councilwoman Schmidt.

Rollcall:

Ayes: Bredesen, Schmidt, Van Valkenburg

Nays: None

Resolution adopted.

REPLACEMENT REFRIGERATOR FOR BRAEMAR GOLF COURSE CONCESSION AREA BID AWARDED. Mr. Rosland presented tabulation of two bids received for a replacement refrigerator for Braemar Golf Course concession area (Model RT 28 BSS), showing Merit Supply low bidder at \$1,495.00, against bid of Check Refrigeration for \$1,575.00. As recommended by the City Manager, Councilwoman Schmidt's motion for award to recommended low bidder, Merit Supply Co., for \$1,495.00 was seconded by Councilman Bredesen.

Ayes: Bredesen, Schmidt, Van Valkenburg

Nays: None

Motion carried.

FIREWORKS BID AWARDED. Mr. Rosland presented tabulation of two bids for fireworks, labor and insurance for the Fourth of July celebration at Cornelia Lake Park showing both Arrowhead Fireworks Company and Northern Lighter Pyrotechnics bidding at \$2,000 each. Councilman Bredesen's motion for award to Northern Lighter Pyrotechnics was seconded by Councilwoman Schmidt in view of the fact that Northern Lighters Pyrotechnics are providing 55 additional shells.

Ayes: Bredesen, Schmidt, Van Valkenburg

Nays: None

Motion carried.

WELL NO. 2 EMERGENCY REPAIRS AWARD OF BID CONFIRMED. Councilman Bredesen's motion was seconded by Councilwoman Schmidt confirming the award of bid for emergency repairs for Well No. 2 to Layne Minnesota in the amount of \$9,295.00.

Ayes: Bredesen, Schmidt, Van Valkenburg

Nays: None

Motion carried.

LEWIS PARK CONTRACT AMENDMENT APPROVED. Mr. Rosland requested authority to add a change order to the G. L. Contracting, Inc., Contract No. ST.S-161 for grading work at Lewis Park. As recommended by Mr. Rosland, Councilman Bredesen's motion

AAA777

9/1/78

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS.
CITY OF EDINA)

CERTIFICATE OF MAILING NOTICE

I, the undersigned, being the duly qualified acting City Clerk of the City of Edina, Minnesota, hereby certify that on the following date June 8, 19 79, acting on behalf of said City I deposited in the United States mail copies of the attached Notice of Public Hearing for Drainage Easement over L.2, B.3, Schey's Parkview 3rd Addn. (Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date at least ten days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

WITNESS my hand and the seal of said City this 12th
day of June, 19 79.

Flora B. Haeberly
Edina City Clerk

CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR DRAINAGE PURPOSES
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina will meet at the Edina City Hall, 4801 West 50th Street, on Monday, June 18, 1979, at 7:00 p.m. and will at said time and place consider the proposed vacation of a drainage easement located over Lot 2, Block 3, Schey's Parkview 3rd Addition, and generally described as 7205 Schey Drive. Said easement is described as follows:

That part of Lot 2, Block 3, Schey's Parkview 3rd Addition lying easterly and southeasterly of the following described line:
Commencing at the northeast corner of said Lot 2, thence West along the north line of said Lot 2 a distance of 132.0 feet to the actual point of beginning of the line to be described; thence southerly parallel with the east line of said Lot 2, a distance of 60.0 feet; thence southwesterly to a point on the south line of said Lot 2, a distance of 200.0 feet west of the southeast corner of said Lot 2, and there terminating.

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The vacation of said easement would facilitate the construction of a single family dwelling on Lot 2, Block 3, Schey's Parkview 3rd Addition.

BY ORDER OF THE EDINA CITY COUNCIL.

FLORENCE B. HALLBERG
City Clerk

SCHEY'S ADDITION

Schey's Parkview 3rd Addition

B. 1, L. 1

0811621220032

Richard A. and Phyllis C. Coonrod
7133 Gleason Road
Edina, MN 55435

2

0033

Robert B. and Inga O. Thompson
7173 Gleason Road
Edina, MN 55435

3

0034

John W. Lacey
7141 Gleason Road
Minneapolis, MN 55435

4

0811621230032

Wayne and Viola Gensmer
7145 Gleason Road
Minneapolis, MN 55435

5

0033

Arnold O. Calvert
7121 Schey Drive
Minneapolis, MN 55435

6

0034

William F. Greer
7125 Schey Drive
Edina, MN 55435

B. 2, L. 1

0035

Richard R. Lund
7203 Gleason Road
Edina, MN 55435

2

0036

Stanley I. and Lucille M. Clothier
7205 Gleason Road
Edina, MN 55435

3

0037

Douglas J. and Mary Schmelz
7209 Gleason Road
Edina, MN 55435

4

0038

William and Gertrude Maier
7213 Gleason Road
Edina, MN 55435

5

0039

Richard A. Heeb
7217 Gleason Road
Edina, MN 55435

Schey's Addition - continued p. 3

Schey's Parkview 3rd Addition

B. 3, L. 1

0811621230052

Ronald Krank
7201 Schey Drive
Edina, MN 55424

2

0053

Gerald and Shirley Gaynor
Eastern Heights State Bank
2100 Wilson Avenue
St. Paul, MN 55119

3

0054

Orin C. and H. Marjorie Keplinger, Jr.
7209 Schey Drive
Edina, MN 55435

4

0055

Robert L. and Dorothy J. Patton
7301 Schey Drive
Edina, MN 55435

5

0056

Robert B. Knouse
7305 Schey Drive
Edina, MN 55435

6

0057

Mr. and Mrs. Knut A. Reishus
7309 Schey Drive
Edina, MN 55435

7

0058

Woodson M. and Norma V. Fountain
7313 Schey Drive
Minneapolis, MN 55435

Outlots 1 & 2

0059 & 0060

City of Edina - exempt

Prospect Hills 2nd Addition

B. 3, L. 6

0028

Robert B. Klein
7300 Claredon Drive
Edina, MN 55435

1/1/74

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS.
CITY OF EDINA)

CERTIFICATE OF MAILING NOTICE

I, the undersigned, being the duly qualified acting City Clerk of the City of Edina, Minnesota, hereby certify that on the following date May 18 (+ 5/8/79), 1979, acting on behalf of said City I deposited in the United States mail copies of the attached Notice of Public Hearing - Basement Vacation (Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date 10 days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

WITNESS my hand and the seal of said City this 18th day of May, 19 79.

Lawrence B. Hallberg
Edina City Clerk

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR SANITARY SEWER PURPOSES
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th St., on June 4, 1979, at 7:00 o'clock p.m., for the purpose of holding a public hearing on the proposed vacation of the following easement for drainage purposes:

That part of Lot 2, Block 3, Schey's Parkview 3rd Addition lying Easterly and Southeasterly of the following described line: Commencing at the Northeast corner of said Lot 2, thence West along the North line of said Lot 2 a distance of 132.0 feet to the actual point of beginning of the line to be described; thence Southerly parallel with the East line of said Lot 2, a distance of 60.0 feet; thence Southwesterly to a point on the South line of said Lot 2, a distance of 200.0 feet West of the Southeast corner of said Lot 2, and there terminating.

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

Dated this 18th day of May, 1979.

Mailing List - Notice of Public Hearing
Easement Vacation

Lot 2, Bl 3 Seley's Parkview 3rd Addn.

June 4, 1979

Gerard H (Gus) Gaynor (mailed 5/8/79)

San maurilio 23

Milan, Italy 20123

Wm Schumm - Minnesota Gas Co

729 Marquette Ave. 55402

W. A. Paulsen - N. W. Bell Telephone Co.

5532 Co. Rd 18 So. Hopkins 55343

Stuart C. Fraser, N'dale Division, N. S. P.

5309 W. 70th St. 55435

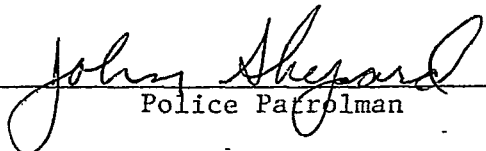
STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS
CITY OF EDINA)

AFFIDAVIT OF POSTING NOTICE OF HEARING ON
VACATION OF EASEMENT(S) FOR PURPOSES OF
DRAINAGE

The undersigned, being first duly sworn, upon oath deposes and says that he is the qualified and acting Police Patrolman for the City of Edina, Hennepin County, Minnesota, and that on May 18, 1979, he posted the notice of hearing on vacation of easement(s) to be held on June 4, 1979, a true and correct copy of which is hereto attached, at each of the following public and conspicuous places within the City in a manner likely to attract attention:
1. City Hall, 4801 W. 50th Street 2. 50th & France Business Area, 3922 W. 50th Street 3. Amundson Avenue Shopping Center.

Said easement(s) being described as follows:

That part of Lot 2, Block 3, Schey's Parkview 3rd Addition lying Easterly and Southeasterly of the following described line: Commencing at the Northeast corner of said Lot 2, thence West along the North line of said Lot 2 a distance of 132.0 feet to the actual point of beginning of the line to be described; thence Southerly parallel with the East line of said Lot 2, a distance of 60.0 feet; thence Southwesterly to a point on the South line of said Lot 2, a distance of 200.0 feet West of the Southeast corner of said Lot 2, and there terminating.


Police Patrolman

Subscribed and sworn to before me,
this 18 day of May, 19 79.

Notary Public, Hennepin County, Minnesota
My commission expires:

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA, 55424

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR SANITARY SEWER PURPOSES
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th St., on June 4, 1979, at 7:00 o'clock p.m., for the purpose of holding a public hearing on the proposed vacation of the following easement for drainage purposes:

That part of Lot 2, Block 3, Schey's Parkview 3rd Addition lying Easterly and Southeasterly of the following described line: Commencing at the Northeast corner of said Lot 2, thence West along the North line of said Lot 2 a distance of 132.0 feet to the actual point of beginning of the line to be described; thence Southerly parallel with the East line of said Lot 2, a distance of 60.0 feet; thence Southwesterly to a point on the South line of said Lot 2, a distance of 200.0 feet West of the Southeast corner of said Lot 2, and there terminating.

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR SANITARY SEWER PURPOSES
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th St., on June 4, 1979, at 7:00 o'clock p.m., for the purpose of holding a public hearing on the proposed vacation of the following easement for drainage purposes:

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All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

Dated this 18th day of May, 1979.

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR SANITARY SEWER PURPOSES
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

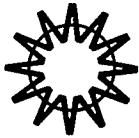
NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th St., on June 4, 1979, at 7:00 o'clock p.m., for the purpose of holding a public hearing on the proposed vacation of the following easement for drainage purposes:

That part of Lot 2, Block 3, Schey's Parkview 3rd Addition lying Easterly and Southeasterly of the following described line: Commencing at the Northeast corner of said Lot 2, thence West along the North line of said Lot 2 a distance of 132.0 feet to the actual point of beginning of the line to be described; thence Southerly parallel with the East line of said Lot 2, a distance of 60.0 feet; thence Southwesterly to a point on the South line of said Lot 2, a distance of 200.0 feet West of the Southeast corner of said Lot 2, and there terminating.

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

Please publish in the Edina Sun on May 16 and May 23, 1979.
Please send us one Affidavit of Publication.
Please send us one clipping.



SUN NEWSPAPERS
AFFIDAVIT OF PUBLICATION
EDINA SUN

7401 Bush Lake Road

Edina, Minnesota

State of Minnesota }
County of Hennepin } ss.

DON R. LARSON, being duly sworn, on oath says he is and during all times here stated has been the president and printer of the newspaper known as The Edina Sun and has full knowledge of the facts herein stated as follows: (1) Said newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches. (2) Said newspaper is a weekly and is distributed at least once each week. (3) Said newspaper has 50% of its news columns devoted to news of local interest to the community which it purports to serve and does not wholly duplicate any other publication and is not made up entirely of patents, plate matter and advertisements. (4) Said newspaper is circulated in and near the municipality which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at least 75% of its total circulation currently paid or no more than three months in arrears and has entry as second-class matter in its local post-office. (5) Said newspaper purports to serve the City of Edina in the County of Hennepin and it has its known office of issue in the City of Edina in said county, established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions and maintained by the managing officer of said newspaper or persons in its employ and subject to his direction and control during all such regular business hours and devoted exclusively during such regular business hours and at which said newspaper is printed. (6) Said newspaper files a copy of each issue immediately with the State Historical Society. (7) Said newspaper is made available at single or subscription prices to any person, corporation, partnership or other unincorporated association requesting the newspaper and making the applicable payment. (8) Said newspaper has complied with all foregoing conditions for at least one year preceding the day or dates of publication mentioned below. (9) Said newspaper has filed with the Secretary of State of Minnesota prior to January 1, 1966 and each January 1 thereafter an affidavit in the form prescribed by the Secretary of State and signed by the managing officer of said newspaper and sworn to before a notary public stating that the newspaper is a legal newspaper.

He further states on oath that the printed Notice of Public Hearing
hereto attached as a part hereof was cut from the columns of said newspaper, and was printed

and published therein in the English language, once each week, for two successive weeks;

that it was first so published on Wed the 16 day of May, 19 79

and was thereafter printed and published on every Wednesday to and including

Wed the 23 day of May, 19 79 and that the following is a printed copy
of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being
the size and kind of type used in the composition and publication of said notice, to-wit:

abcdefghijklmnopqrstuvwxyz

Don R. Larson

Subscribed and sworn to before me this 23 day of May, 19 79

Carole J. Larson
CAROLE J. LARSON
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires May 10, 1980

(Official Publication)
CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINN. 55425
NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT
FOR SANITARY SEWER
PURPOSE
IN THE CITY OF EDINA, HEN-
NEPIN COUNTY, MINNESOTA
NOTICE IS HEREBY GIVEN
that the City Council of the City of
Edina, Hennepin County, Minnesota,
will meet at the Edina City Hall, 4801
W. 50th St., on June 4, 1979, at 7:00
o'clock p.m., for the purpose of hold-
ing a public hearing on the proposed
vacation of the following easement
for drainage purposes:
That part of Lot 2, Block 3, Schey's
Parkview 3rd Addition lying East-
erly and Southeasterly of the fol-
lowing described line: Commenc-
ing at the Northeast corner of said
Lot 2, thence West along the North
line of said Lot 2 a distance of 132.0
feet to the actual point of beginning
of the line to be described; thence
Southerly parallel with the East
line of said Lot 2, a distance of 60.0
feet; thence Southwesterly to a
point on the South line of said Lot 2,
a distance of 200.0 feet West of the
Southeast corner of said Lot 2, and
there terminating.
All persons who desire to be
heard with respect to the question of
whether or not the above proposed
easement vacation is in the public
interest and should be made shall be
heard at said time and place. The
Council shall consider the extent to
which such proposed easement vaca-
tion affects existing easements within
the area of the proposed vacation and
the extent to which the vacation af-
fects the authority of any person,
corporation or municipality owning
or controlling electric or telephone
poles and lines, gas and steam lines,
or water pipes, mains and hydrants
on or under the area of the proposed
vacation, to continue maintaining the
same or to enter upon such easement
area or portion thereof vacated to
maintain, repair, replace, remove, or
otherwise attend thereto, for the
purpose of specifying, in any such
vacation resolution, the extent to
which any or all of any such ease-
ments, and such authority to main-
tain, and to enter upon the area of the
proposed vacation, shall continue.
BY ORDER OF THE EDINA CITY
COUNCIL
Florence B. Hallberg
City Clerk
(May 16 & 23, 1979) - ED

June 9, 1979

Ms. Florence B. Hallberg, City Clerk
City of Edina
4801 West 50th Street
Edina, Minnesota 55424

RE: NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT
FOR DRAINAGE PURPOSES
IN THE CITY OF EDINA,
HENNEPIN COUNTY, MINNESOTA

Dear Ms. Hallberg,

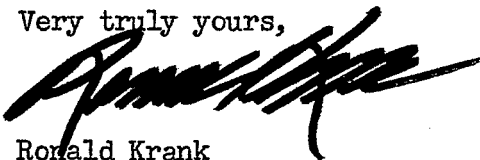
In this morning's mail I received notification for the above referenced public hearing, which is regarding a lot directly adjacent to my house. I am extremely concerned about this proposed drainage easement vacation as the topography of my property and of those around my house results in a watershed area through the rear of my property following this drainage easement, and ultimately flowing to Schey Drive.

It is unfortunate that this notification was received by me on Sat., June 9, as I am leaving for a two week vacation with my family and will not be able to attend the council hearing.

I am an architect and have considerable experiences with drainage matters such as these and would appreciate the opportunity to meet with the proponent of this easement to review his proposal or to meet with the building inspector to do so. A great deal of water flows through this area and unless handled properly, could cause problems to everyone. I am sure this can be resolved satisfactorily and amicably among the concerned parties.

I respectfully request that the council postpone this to the next hearing, so I can be given the opportunity to review it.

Very truly yours,



Ronald Krank

CITY OF EDINA

PUBLIC RIGHT-OF-WAY VACATION APPLICATIONDate Initiated April 25, 1979

- 1) I hereby petition the City Council of the City of Edina to vacate all of the following described public right-of-way:

☐

Street

☐

Alley

☐

Utility Easement

☒

Drainage Easement

☐

Other _____

(describe)

Description of area proposed to be vacated:

That part of Lot 2, Block 3, Schey's Parkview 3rd Addition lying Easterly and Southeasterly of the following described line: Commencing at the Northeast corner of said Lot 2, thence West along the North line of said Lot 2 a distance of 132.0 feet to the actual point of beginning of the line to be described; thence Southerly parallel with the East line of said Lot 2, a distance of 60.0 feet; thence Southwesterly to a point on the South line of said Lot 2, a distance of 200.0 feet West of the Southeast corner of said Lot 2, and there terminating.

Attach copy of scaled drawing showing in full detail the proposed vacation.

Lot address 7205 Schey Drive
If need to communicate please
call Ms. Barbara Lothar,
3M Co., St. Paul 612-733-6005

Signature Gerard H. (Gus) Gaynor

San Maurilio 23

Address Milan, Italy 20123Telephone 873415

2) Review

CITY ENGINEER by Francis J. [Signature] ☒ Acceptable ☐ Opposed ☐ Conditional
Conditions _____

MINNEGASCO by _____ ☐ Acceptable ☐ Opposed ☐ Conditional
Conditions _____

N.W. BELL by _____ ☐ Acceptable ☐ Opposed ☐ Conditional
Conditions _____

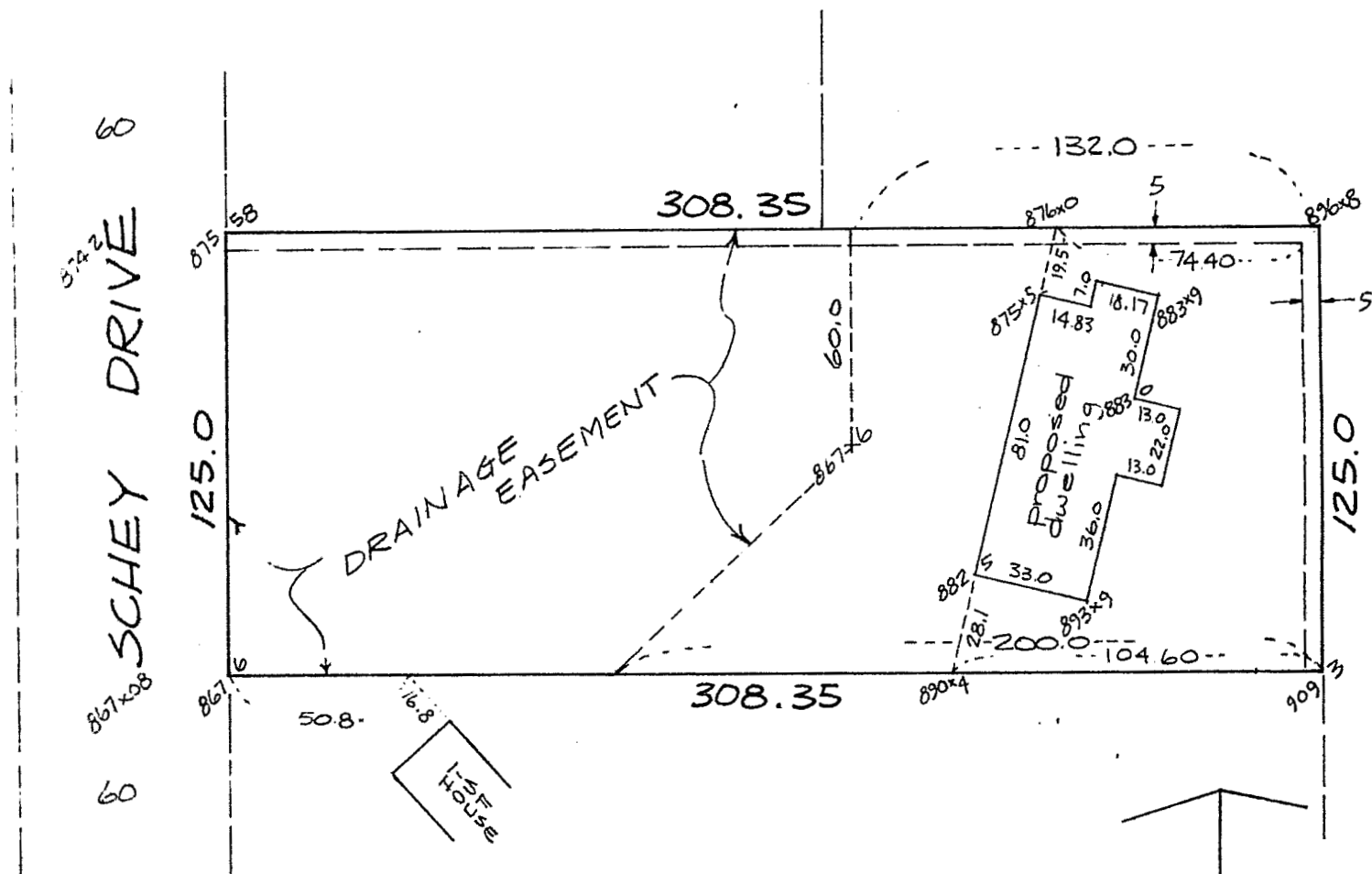
N.S.P. by _____ ☐ Acceptable ☐ Opposed ☐ Conditional
Conditions _____

CERTIFICATE OF SURVEY

Survey For: Mr. G. Gaynor

Book 321 Page 19

15059



PROPOSED ELEVATIONS

Garage floor =
Top of Foundation =
Basement floor =

I hereby certify that this is a true and correct representation of a survey of the boundaries of Lot 2, Block 3
Schey's Parkview 3rd Add. Hennepin County, Minnesota and of the location of all buildings thereon, and all
visible encroachments, if any, from or on said land. Surveyed by me this 23rd day of April, 19 79

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

MINNEGASCO by Wm T. Johnson 5/22/79 ☒ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

NORTHWESTERN BELL by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

N.S.P. by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

LOCATION SEE ATTACHED DESCRIPTION

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA, 55424

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR SANITARY SEWER PURPOSES
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th St., on June 4, 1979, at 7:00 o'clock p.m., for the purpose of holding a public hearing on the proposed vacation of the following easement for drainage purposes:

That part of Lot 2, Block 3, Schey's Parkview 3rd Addition lying Easterly and Southeasterly of the following described line: Commencing at the Northeast corner of said Lot 2, thence West along the North line of said Lot 2 a distance of ^{132.0}~~132.0~~ feet to the actual point of beginning of the line to be described; thence Southerly parallel with the East line of said Lot 2, a distance of ^{32.0}~~60.0~~ feet; thence Southwesterly to a point on the South line of said Lot 2, a distance of 200.0 feet West of the Southeast corner of said Lot 2, and there terminating.

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

Dated this 18th day of May, 1979.

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

MINNEGASCO by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

NORTHWESTERN BELL by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

N.S.P. by J. E. Fraser ☒ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS Please maintain existing 5' side lot utility easement

LOCATION 5309 W. 70th St.

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA, 55424

NOTICE OF PUBLIC HEARING.
ON VACATION OF EASEMENT FOR SANITARY SEWER PURPOSES
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

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All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

Dated this 18th day of May, 1979.

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

MINNEGASCO by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

^{5/21/79}
NORTHWESTERN BELL by G.T. Soash ☒ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

N.S.P. by _____ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS _____

LOCATION _____

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

CITY OF EDINA

PUBLIC RIGHT-OF-WAY VACATION APPLICATIONDate Initiated April 25, 1979

- 1) I hereby petition the City Council of the City of Edina to vacate all of the following described public right-of-way:

☐ Street ☐ Alley ☐ Utility Easement
☒ Drainage Easement ☐ Other _____
(describe)

Description of area proposed to be vacated:

That part of Lot 2, Block 3, Schey's Parkview 3rd Addition lying Easterly and Southeasterly of the following described line: Commencing at the Northeast corner of said Lot 2, thence West along the North line of said Lot 2 a distance of 132.0 feet to the actual point of beginning of the line to be described; thence Southerly parallel with the East line of said Lot 2, a distance of 60.0 feet; thence Southwesterly to a point on the South line of said Lot 2, a distance of 200.0 feet West of the Southeast corner of said Lot 2, and there terminating.

Attach copy of scaled drawing showing in full detail the proposed vacation.

Lot address 7205 Schey Drive
If need to communicate please
call Ms. Barbara Lothar,
3M Co., St. Paul 612-733-6005

Signature Gerard H. (Gus) Gaynor
San Maurilio '23
Address Milan, Italy 20123
Telephone 873415

2) Review

CITY ENGINEER by [Signature] ☒ Acceptable ☐ Opposed ☐ Conditional
Conditions _____

MINNEGASCO by _____ ☐ Acceptable ☐ Opposed ☐ Conditional
Conditions _____

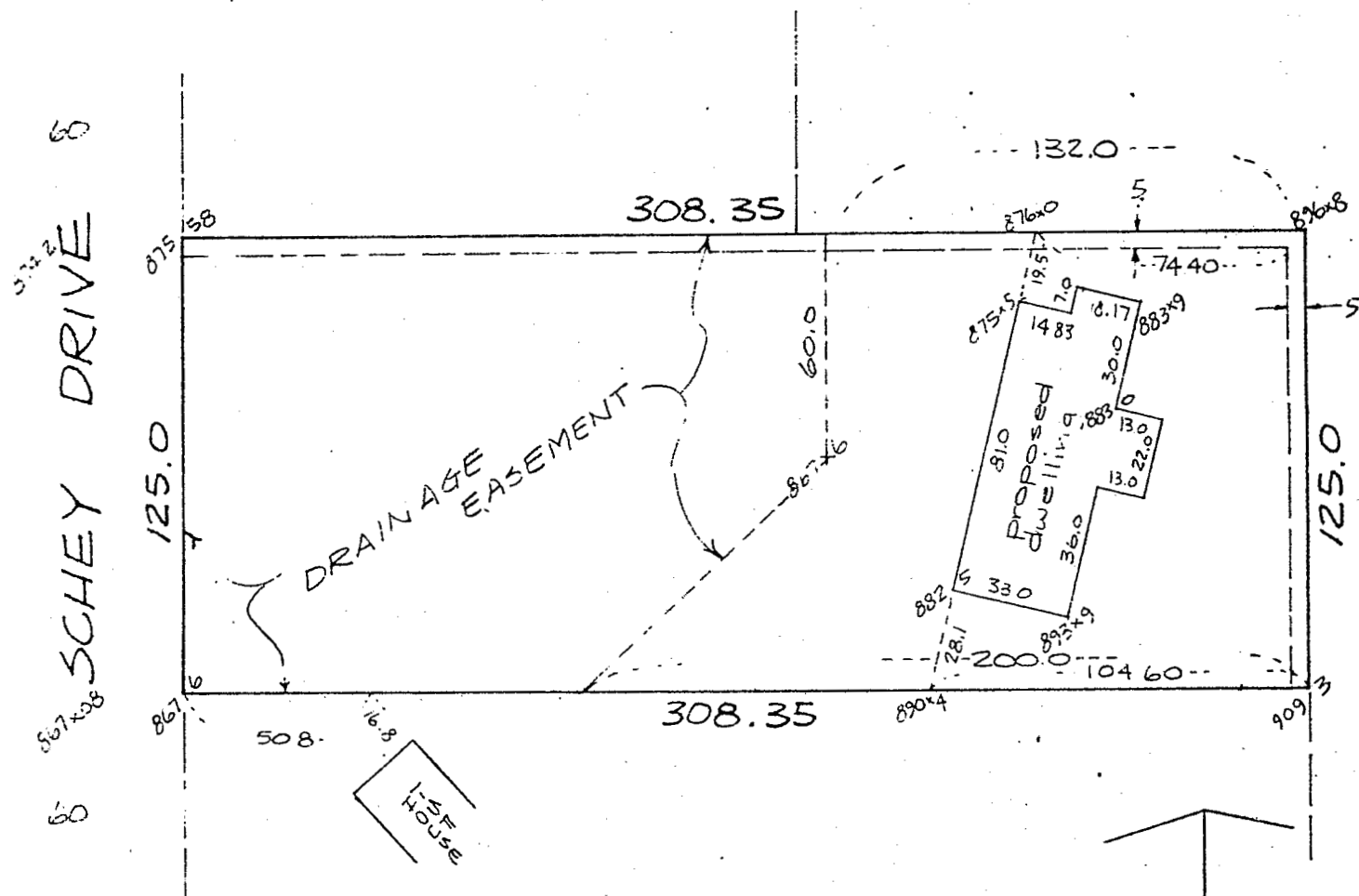
N.W. BELL by _____ ☐ Acceptable ☐ Opposed ☐ Conditional
Conditions _____

N.S.P. by _____ ☐ Acceptable ☐ Opposed ☐ Conditional
Conditions _____

Survey For: Mr. G. Gaynor

Book 321 Page 19

15059



Garage floor =
Top of Foundation =
Basement floor =

NORTH
Scale 1" = 50'

I hereby certify that this is a true and correct representation of a survey of the boundaries of Lot 2, Block 3
Schey's Parkview 3rd Add. Hennepin County, Minnesota and of the location of all buildings thereon, and all
visible encroachments, if any, from or on said land. Surveyed by me this 23rd day of April, 1979

CARDARELLE & ASSOCIATES, INC.
STATE REG. NO. 6508

DORSEY, WINDHORST, HANNAFORD, WHITNEY & HALLADAY

2300 FIRST NATIONAL BANK BUILDING
MINNEAPOLIS, MINNESOTA 55402

(612) 340-2600

CABLE: DOROW

TELEX: 29-0605

TELECOPIER: (612) 340-2868

1468 W-FIRST NATIONAL BANK BUILDING
ST. PAUL, MINNESOTA 55101
(612) 227-8017

115 THIRD STREET SOUTHWEST
ROCHESTER, MINNESOTA 55901
(507) 288-3156

May 31, 1979

HENRY HALLADAY
JULE HANNAFORD
ARTHUR B. WHITNEY
RUSSELL W. LINDQUIST
DAVID R. BRINK
HORACE HITCH
VIRGIL H. HILL
ROBERT V. TARBOX
ROBERT J. JOHNSON
MAYNARD B. HASSELQUIST
PETER DORSEY
GEORGE P. FLANNERY
CURTIS L. ROY
ARTHUR E. WEISBERG
DUANE E. JOSEPH
JAMES B. VESSEY
WILLIAM A. WHITLOCK
EDWARD J. SCHWARTZBAUER
THOMAS M. BROWN
CORNELIUS D. HANCOCK, JR.
WILLIAM C. BABCOCK
THOMAS S. ERICKSON
MICHAEL C. BRESS
RAYMOND A. REISTER
JOHN J. TAYLOR
WILLIAM J. HEMPEL
JOHN S. HIBBS
ROBERT O. FLOTTEN
JOHN D. LEVINE
ROBERT J. STRUYK
MICHAEL A. OLSON
LARRY W. JOHNSON
THOMAS S. HAY

G. LARRY GRIFFITH
CRAIG A. BECK
DAVID L. MCCUSKEY
THOMAS O. MOE
JAMES H. OHAGAN
JOHN M. HASON
LARRY L. VICKREY
LOREN R. KNOTT
PHILLIP H. MARTIN
REESE C. JOHNSON
CHARLES J. HALENSTEIN
CHARLES A. GEE
JOHN C. ZWAKMAN
JOHN R. WICKS
EUGENE L. JOHNSON
JOHN W. WINDHORST, JR.
MICHAEL PRICHARD
JOHN P. VITKO
WILLIAM R. SOTH
RICHARD G. SHANNON
FAITH L. OHMAN
DAVID A. RANHEIM
ROBERT J. SILVERMAN
THOMAS R. MANTHEY
WILLIAM R. HIBBS
PHILIP F. BOELTER
WILLIAM B. PAYNE
ROBERT A. WEISBERG
JOHN D. KIRBY
ROBERT A. SCHWARTZBAUER
DAVID N. FRONCK
THOMAS W. TINKHAM
JON F. TUTTLE

EMERY W. BARTLE
WILLIAM A. JOHNSTONE
STEVEN K. CHAMPLIN
MICHAEL J. RADMER
MICHAEL TRUCANO
JAMES A. FLADER
DAVID L. BOEHLEN
MICHEL A. LAFOND
DON D. CARLSON
PAUL J. SCHEERER
FRANK H. VOIGT
WILLIAM H. HIPPEE, JR.
ROBERT A. BURNS
ROGER J. MAGNUSON
PETER S. MENDRICKSON
J. ROBERT HIBBS
JAY F. COOK
STANLEY H. REIN
CHARLES L. POTUZNICK
VERLANE L. ENDORF
DENNIS P. BURATTI
GEORGEANN BECKER
ROBERT L. HOBBS
BARRY D. GLAZIER
IRVING WEISER
STEPHEN E. GOTTSCHALK
KENNETH L. CUTLER
GARY M. JOHNSON
JAY L. BENNETT
ROBERT G. BAYER
SUZANNE B. VAN DYK
STUART R. HENPHILL
J. DAVID JACKSON

W. CHARLES LANTZ
STEVEN F. WOLGAMOT
J. MARQUIS EASTWOOD
EDWARD J. FLUMER
OWEN C. HARK
JAMES E. BOWLUS
GEORGE L. CHAPMAN
THOMAS D. VANDER MOLEN
MARK A. JARBOE
BRUCE D. BOLANDER
JUDITH A. ROSOSHESKE
PAUL B. KLAAS
HARGERY K. OTTO
RONALD J. BROWN
HARC L. KRUGER
CATHERINE A. BARTLETT
DAVID J. LUBBEN
BRUCE J. SHNIDER
GEORGE G. ECK
DARRON C. KNUTSON
BARBARA B. FARRELL
LENZA McELRATH, JR.
MARIANNE D. SHORT
MICHAEL E. REESLUND
ELIZABETH A. GOODMAN

OF COUNSEL
WALDO F. MARQUART
GEORGE E. ANDERSON
JOHN F. FINN

✓ Mr. Francis J. Hoffman
City Engineer
4801 West 50th Street
Edina, Minnesota 55424

Mr. Kenneth E. Rosland
City Manager
4801 West 50th Street
Edina, Minnesota 55424

Mr. Gordon Hughes
Planning Director, City
of Edina
4801 West 50th Street
Edina, Minnesota 55424

Re: Schey's Parkview Third Addition

Gentlemen:

Enclosed herewith is a copy of the Declaration of
Conditions, Covenants and Restrictions on the above-captioned
plat.

Very truly yours,

Marit K. Meister

Marit K. Meister
Assistant to Thomas S. Erickson

MKM;c1
Enclosure

3571006

DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS

THIS DECLARATION, Made this 26th day of FEBRUARY, 1965, by ETHEL K. SCHEY and MARTIN J. SCHEY, her husband, herein-after referred to as "Declarants";

WITNESSETH THAT:

WHEREAS, Declarants are the owners of real property situated in Hennepin County, Minnesota, and described as follows, to-wit:

Lots One (1) through Five (5), Block One (1); Lots One (1) through Seventeen (17), Block Two (2); and Lots One (1) through Seven (7), Block Three (3) of Schey's Park View Third Addition; and

WHEREAS, Declarants desire to subject said property to certain conditions, restrictions and covenants for the benefit of said property and its present and subsequent owners, as herein-after set forth;

NOW THEREFORE, said ETHEL K. SCHEY and MARTIN J. SCHEY, her husband, the above named Declarants, hereby declare that the above described property shall be held and conveyed upon and be subject to the following conditions, covenants and restrictions, whether or not the same be expressly stated or referred to in any instrument of conveyance hereinafter executed, to-wit:

"This conveyance is made and accepted subject to the following restrictions, covenants and conditions which shall inure to the benefit of said premises and of the entire subdivision known as 'Schey's Park View Third Addition' and every lot therein, and shall operate as equitable restrictions and servitudes passing with the title to every lot, and shall apply to and bind each successor in interest of the parties hereto and which are, as follows:

- A. All lots hereby conveyed shall be residential lots and no structure shall be placed on any of said lots other than one detached single-family dwelling not to exceed two stories in height and a private garage, if any, which shall be attached to and integrated with the architecture of the dwelling.
- B. All residences constructed hereon shall face the abutting street: Lot 7, Block 3 and Lot 10, Block 2 shall face Schey Drive; Lots 1 and 9, Block 2 shall face Gleason Road; Lots 1 and 17, Block 2 and Lot 5, Block 1 may face either abutting street; however, the sideline set back on these lots shall be thirty-five (35) feet from the street.
- C. The ground floor living area of any residence on Lots 8 through 12, Block 2 and Lots 6 and 7, Block 3 shall be not less than 1000 square feet (1300 square feet if more than 1 story); on Lot 1, Block 1 shall be not less than 1400 square feet (1200 square feet if more than 1 story); and on all other lots 1000 square feet (1400 square feet if more than 1 story). Living area shall not include garages, basements, or open one-story porches or patios.
- D. No building shall be erected, placed, or altered on any building plot in these premises until the building plans, specifications and plot plan showing the location of such building, the size of the plot, the contemplated grading and excavation and the timber to be removed in connection with said construction have been approved in writing by a majority of a committee, hereinafter designated, or their authorized representative, for conformity and harmony of external design with any existing structures on said premises so as to put these premises to their most advantageous use and so as to conform with and utilize the existing scenery,

timber and ground contours, and to insure conformity as to location of buildings with respect to property and building set-back lines; and said committee shall approve all removal of sand, gravel, rock or other soil from the premises, and said sand, gravel, rock or other soil shall be first used on these premises as the committee may direct for fill; however, this shall not be construed to give the committee power to require the removal of sand, gravel, rock or other soil for the benefit of the rest of the premises. If said committee, or their authorized representative, fails to approve or disapprove such design and location within thirty (30) days after such plan has been submitted to it, or, if no suit to enjoin the erection of such building or the making of any alterations has been commenced prior to the completion thereof, such approval shall not be required; however, after the thirty (30) days have expired, the committee's disapproval, or any suit to enjoin, shall be based only upon the failure to conform to a specific restriction of this instrument and specifically may not be based on the failure to obtain the approval of said committee. No fence or wall shall be erected, placed or altered on any lot nearer to any street or roadway than the minimum building set-back line unless similarly approved.

- E. Said committee shall consist of MARTIN J. SCHEY and ETHEL K. SCHEY, and WILLIAM F. GREER, and shall serve until its successor is designated, as hereinafter set forth. At any time after three (3) years from the date of recording of these restrictions, the then fee owners of record of a majority of the parcels herein may designate a new committee to serve and exercise all the rights and duties of said committee for a period of five (5) years and until its successor is in turn designated in like manner. The designation of such committee

shall be made at intervals of five (5) years throughout the term of these restrictions and shall be evidenced by written designation thereof, recorded in the office of the Register of Deeds of Hennepin County, Minnesota. Failure to designate a new committee at any of said five (5) year intervals shall prolong the term of the then acting committee until such designation be made and recorded. In case of the death, resignation or legal disability of any member or members of said committee, or any successor committee, all the powers and authorities thereof may be exercised by the remaining members thereof. If all members shall die or become disabled, a new committee shall forthwith be designated by the record owners of a majority of said lots in the manner above specified. Such committee, or their authorized representatives, shall act without compensation in respect to the matters herein set forth. So long as either HARTER J. SCHRY or ETHEL A. SCHRY has an interest in any lot in this subdivision, they, or their designated representatives, shall constitute two of the members of said Architectural Committee.

7. All name and address signs shall be of a dignified character, shall not be lighted in such a manner as to interfere with other parcels herein, and shall not have an area in excess of 14" by 9".
8. No building shall be located on any residential building lot nearer than thirty-five (35) feet to the front line, nor nearer than ten (10) feet to the side lot lines, nor nearer than twenty (20) feet to the rear lot line.
9. No timber shall be cut from these premises other than that necessary for the erection of buildings, driveways and roads, except as the same may be approved, in writing, by the committee herein referred to. This provision shall specifically

prohibit the sale of timber from these premises, but shall not prevent the removal of dead or defective trees without approval.

- I. No soil, sand or gravel shall be removed from any lot, except for the purpose of excavating for the construction or alteration of an authorized structure on said premises, or for the proper grading and landscaping thereof at a level approved by said Architectural Committee designated herein. In the event that excess soil, sand or gravel be removed from any lot, the same shall not be removed from said subdivision without the consent of said committee and any such material shall be deposited upon such other lots in said subdivision and in such manner as may be designated by said committee and at the expense of the owner of the building parcel.
- J. An easement is reserved over the portions of each lot as designated upon the recorded plat of said subdivision for utility purposes, and an additional easement is hereby created along the boundary line between Lots 2 and 3, Block 1, said addition, for the utility purposes for the benefit of Schey's Park View Second Addition. Said easement shall subsist perpetually until terminated according to law, notwithstanding the expiration of the other covenants and restrictions contained herein, and shall inure to the benefit of all premises abutting thereon or upon any connection, continuation or extension thereof, whether or not such benefited premises be included in or a part of said "Schey's Park View Third Addition".
- K. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. This paragraph shall specifically prohibit the storage of materials, equipment, boats, trailers and the like equipment outside of the premises or garage located on any parcel herein.

- L. No trailer, basement, tent, shack, garage, barn, or other outbuilding erected in the tract shall at any time be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence, and all buildings shall be completely finished on the exterior within six months after the commencement of construction thereof, and prior to occupancy. All landscaping on these premises shall integrate with the surrounding terrain so that there shall be no increase in the direct drainage upon adjoining premises.
- M. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot herein, except that dogs, cats, birds or other household pets may be kept; provided that they are not kept, bred or maintained for any commercial purpose, and this shall specifically mean that no residents herein may have more than two of any type of household pet.
- N. Until such time as sewer and public water mains are brought into service the lots in said subdivision, all sewage disposal shall be by means of septic tanks of type, location and installation approved by the local health authority of the Village of Edina, and water shall be provided by individual wells approved by said health authority as to location, purity of water and freedom from pollution. In the event and at such time as sewer and water are available to any of the lots herein, it shall be the obligation of the owner to hook up to said public utility as furnished within 90 days.
- O. No building plot shall consist of less than one full platted lot as now platted and laid out.
- P. These restrictions and covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the

date these covenants are recorded, after which time said covenants and restrictions shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part.

- Q. If there shall be a violation or an attempt to violate any of these covenants or restrictions, it shall be lawful for any other person or persons owning any real estate situated in this subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction, and either to prevent him or them from so doing or to recover damages or other dues for such violation.
- R. Invalidation of any of these covenants or restrictions by Judgment or Court Order shall in no wise affect any of the other provisions which shall remain in full force and effect."

IN TESTIMONY WHEREOF, said Declarants have hereunto set their hands the day and year first above written at Minneapolis, Minnesota.

IN PRESENCE OF:

Ethel K. Schey
Ethel K. Schey

Martin J. Schey
Martin J. Schey

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss.

On this 26th day of FEBRUARY, 1965, before me, a Notary Public, within and for said County, personally appeared ETHEL K. SCHEY and MARTIN J. SCHEY, her husband, to me known to be the persons described in, and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

[Signature]
Notary Public, Hennepin County, Minn.
My Commission Expires Nov. 11 1966.

CONSENT

THE UNDERSIGNED, being the owners of Lot Six (6), Block One (1), of Schey's Park View Third Addition, do hereby consent to the imposition and benefit of the Declaration of Conditions, Covenants and Restrictions herein set forth, except the provisions of paragraph A, which requires that a garage be attached to the dwelling, and except for the requirements of paragraph C, and do consent to subject Lot Six (6), Block One (1), said addition, to terms thereof except as above stated.

IN PRESENCE OF:

William F. Greer
William F. Greer
Patricia M. Greer
Patricia M. Greer

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss.

On this 27 day of February, 1965, before me a Notary Public, within and for said County, personally appeared WILLIAM F. GREER and PATRICIA M. GREER, personally known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

James Van Valkenburg
JAMES VAN VALKENBURG
Notary Public, Hennepin County, Minn.
My Commission Expires Nov. 11, 1966

CONSENT

The Undersigned, being the owners of Lot Six (6),
Block Two (2), Scher's Park View Third Addition, do hereby consent
to the imposition and benefit of the Declaration of Conditions,
Covenants and Restrictions hereinabove set forth.

IN THE PRESENCE OF:

William J. Tully
Notary Public

x Edward C. Lund
Edward C. Lund

x Ruth M. Lund
Ruth M. Lund

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss.

On this 10 day of June, 1965, before
me a Notary Public, within and for said County, personally appeared
EDWARD C. LUND and RUTH M. LUND, personally known to me to be the
persons described in and who executed the foregoing instrument and
acknowledged that they executed the same as their free act and deed.

W. J. Tully
Notary

(SEA)

W. J. TULLY
Notary Public, Hennepin County, Minn.
My Commission Expires Feb. 2, 1967.

C O N S E N T

The undersigned, being the owners of Lot 5,
Block 1, Schey's Park View Third Addition, do
hereby consent to the imposition and benefit of the
Declaration of Conditions, Covenants and Restrictions
hereinabove set forth.

IN THE PRESENCE OF:

[Signature]
[Signature]

[Signature]
Arnold C. Calvert
[Signature]
Joyce F. Calvert

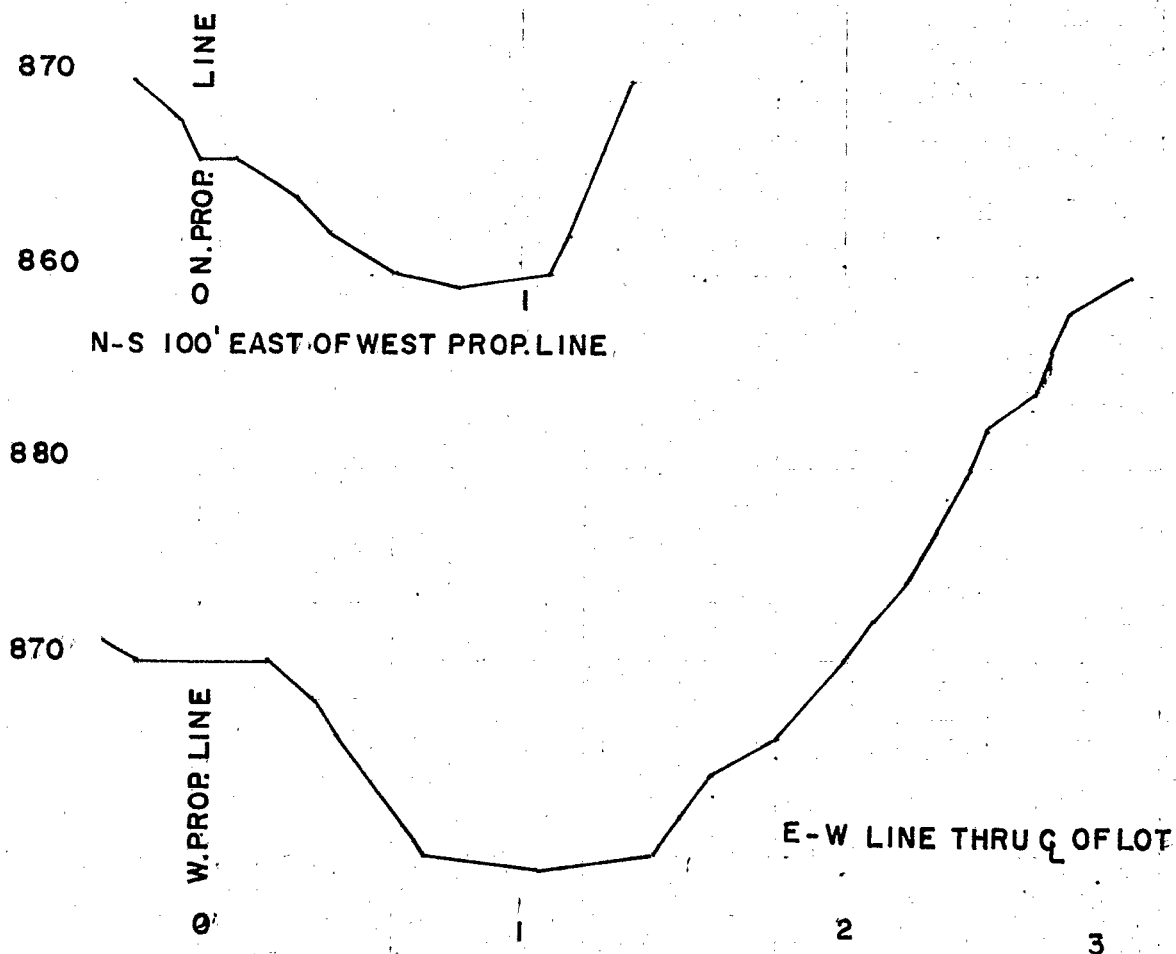
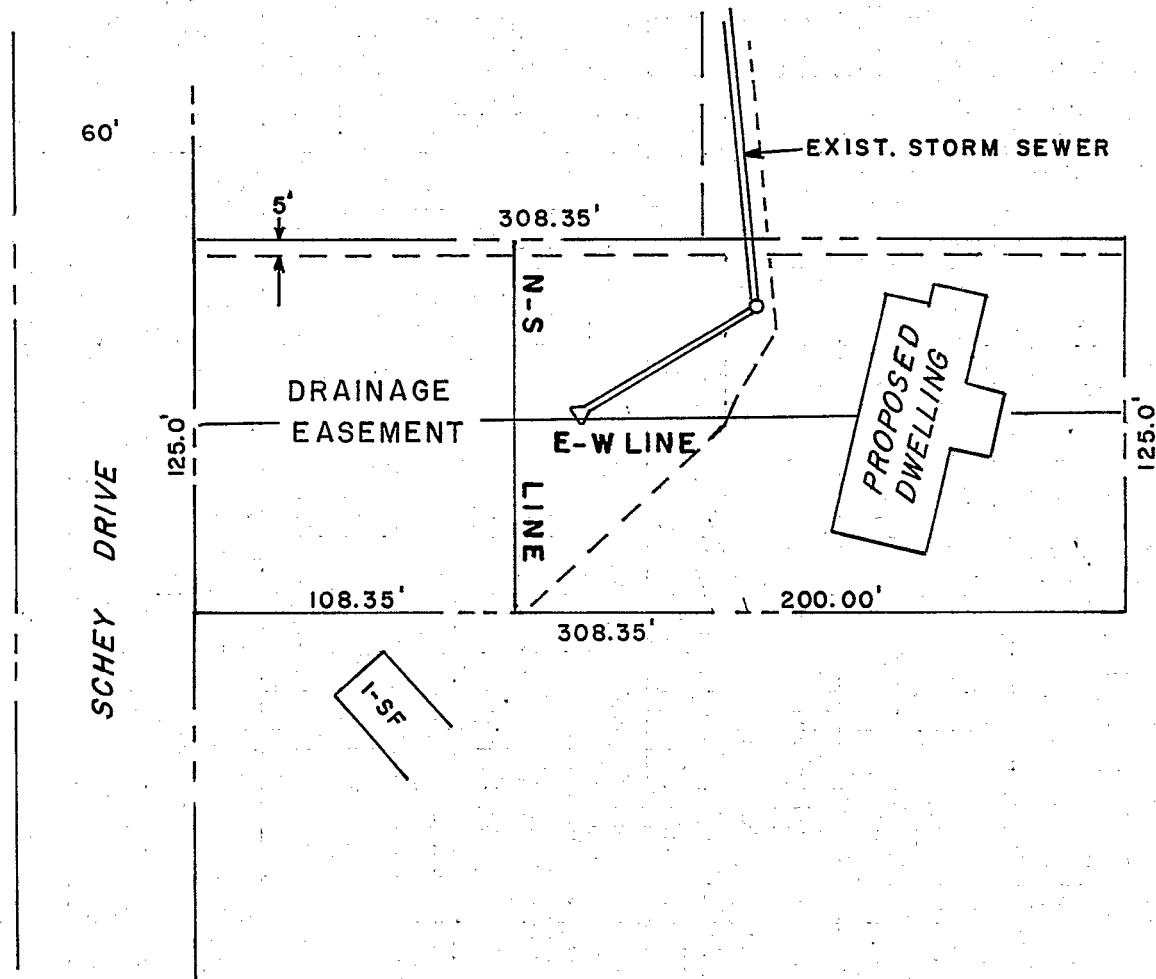
STATE OF MINNESOTA)
COUNTY OF HENNEPIN)

On this 17th day of June, 1965, before
me, a Notary Public within and for said County, personally
appeared ARNOLD C. CALVERT and JOYCE F. CALVERT, personally
known to me to be the persons described in and who executed
the foregoing instrument and acknowledged that they
executed the same as their free act and deed.

[Signature]
Notary Public, Hennepin County, Minn.
My Commission expires _____



RICHARD J. SUNDBERG
Notary Public, Hennepin County, Minn.
My Commission Expires June 22, 1967



West line of the West 1/2 of the Southwest 1/4 of Section 8, Township 116, Range 21

SECOND ADD.

North line of the West 1/2 of the Southwest 1/4 of the Northwest 1/4

OUTLOT

ROAD

GLEASON

SCHEY'S

PARK

EXCEPTION

VIEW

SCHEY

South line of Schey's Park View

